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09/750,303	12/29/2000	Donald Brent Marshall	56130.000041	6727

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EXAMINER	
SORRELL, ERON J	
ART UNIT	**PAPER NUMBER**
2182	

DATE MAILED: 12/23/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/750,303	MARSHALL ET AL.	
	Examiner	Art Unit	
	Eron J Sorrell	2182	

-- The MAILING DATE of this communication app ars on the cover sheet with th correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *24 September 2004*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-62* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-62* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *29 December 2000* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. Claims 1-3,5-7,17,19,23-25,27,32,33,37,36-38,48,50,54-56, and 58 are rejected under 35 U.S.C. 103(a) as being unpatentable over Feldman (U.S. Patent No. 6,654,745) in view of Hirota et al. (U.S. Patent No. 4,791,554 hereinafter "Hirota").

3. Referring to method claim 1 and system claim 32, Feldman teaches a method for providing integrated resource management comprising the steps of:

a) identifying a resource for deployment to a network wherein a unique specifier is assigned to the resource (see lines 41-44 of column 3 and lines 43-67 of column 4);

b) storing resource identification information in a centralized repository, wherein resource identification

information is associated with the unique specifier (see lines 41-44 of column 3 and lines 43-67 of column 4); and

c) enabling resource data retrieval based on the unique specifier (see lines 41-44 of column 3 and lines 43-67 of column 4).

Feldman fails to teach the new limitations of the resource data comprising dependency data and verifying the dependency data at a deployed resource repository.

Hirota teaches, in an analogous method and system, resource data comprising dependency data and verifying the dependency data (whether a resource is locked or not) at a deployed resource repository (see lines 35-50 of column 6).

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to modify the system and method of Feldman with the above teachings of Hirota. One of ordinary skill in the art would have been motivated to make such modification in order to prevent deadlock from occurring by allocating locked resources as suggested by Hirota (see lines 35-50 of column 6).

4. Referring to method claim 2 and system claim 33, Hirota teaches, in an analogous system, ensuring dependencies related

to the resource are satisfied in order to prevent a deadlock situation (see lines 35-50 of column 6).

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to modify the method and system of Feldman with the above teachings of Hirota. One of ordinary skill in the art would have been motivated to make such modification in order to prevent deadlock situations from occurring as suggested by Hirota (see lines 35-50 of column 6).

5. Referring to method claim 3 and system claim 34, Feldman teaches the unique specifier comprises one or more of resource identifier, a type identifier, and a version identifier (see lines 42-46 of column 6).

6. Referring to method claims 5-7 and system claims 36-38, Feldman teaches the unique specifier comprises a hierarchical resource name that is allocated to an entity, wherein the hierarchical resource name comprises a domain name, and wherein the domain name is a part of the unique specifier (see line 26 of column 12 to line 21 of column 13; Note Feldman gives an example of accessing a webpage using an browser and the webpages identifier (URL). URLs comprise domain names.

7. Referring to method claim 17 and system claim 48, Feldman teaches resource retrieval comprises utilizing a hash map for local software resources (see line 60 of column 5 to line 55 of column 6).

8. Referring to method claim 19 and system claim 50, Feldman teaches the step of enabling resource retrieval further comprises requesting a resource from a resource manager using a further comprises resource specifier (see lines 1-14 of column 7).

9. Referring to method claims 23 and 24 and system claim 54 and 55, Feldman teaches utilizing one or more resource retrieval mechanisms that are configurable to enable one or more resource specific strategies and/or one or more alternative resource strategies (see lines 1 of column 7 to line 9 of column 8).

10. Referring to method claim 25 and system claim 56, Feldman teaches the step of enabling resource retrieval further comprises utilizing one or more resource retrieval mechanisms that are transparent to a requesting entity (see lines 54-62 of column 3).

11. Referring to method claim 27 and system claim 58, Feldman discloses the step of enabling further comprises implementing a default access strategy (see lines 1-14 of column 7).

Claim Rejections - 35 USC § 103

12. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

13. Claims 11-16, and 42-47 are rejected under 35 U.S.C. 103(a) as being unpatentable over Feldman in view of Hirota as applied to claims 1 and 32 above and further in view of Kumar et al. (U.S. Patent No. 6,681,242 hereinafter "Kumar").

14. Referring to method claims 11-14 and system claim 42-45, The combination of Feldman and Hirota fails to teach the step comprising ensuring dependencies are satisfied further comprises the step of utilizing a deployment tool, wherein the deployment tool deploys the resource to the network and deploys information

related to one or more of the resource's relationships, definition and identity to a resource manager or a repository accessible to the resource manager, wherein the information related to the resource's relationships comprises dependency information wherein dependency information comprises a definition of the nature of a dependency and an identifier of a dependent entity.

Kumar teaches, in an analogous method, the step comprising ensuring dependencies are satisfied further comprises the step of utilizing a deployment tool (see lines 20-26 of column 2), wherein the deployment tool deploys the resource to the network and deploys information related to one or more of the resource's relationships, definition and identity to a resource manager or a repository accessible to the resource manager (see lines 10-18 of column 5), wherein the information related to the resource's relationships comprises dependency information wherein dependency information comprises a definition of the nature of a dependency and an identifier of a dependent entity (see lines 35-42 of column 2).

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to modify the combination of Feldman and Hirota with the above teachings of Kumar. One of ordinary skill in the art would have been

motivated to make such modification in order to determine if any newly determined or created dependencies will cause a deadlock in the system.

15. Referring to method claims 15 and 16 and system claims 46 and 47, Kumar teaches the resource manager denies deployment of the resource if dependencies are not satisfied and wherein the resource manager provides a warning wherein the warning provides information related to unsatisfied dependencies and proceeds with deployment of the resource if dependencies are not satisfied (see paragraph bridging columns 1 and 2).

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to modify the system and method of Feldman with the above teachings of Kumar. One of ordinary skill in the art would have been motivated to make such modification in order for a user of the computer system to ascertain which resources have dependencies as suggested by Kumar (see paragraph bridging columns 1 and 2).

16. Claims 4 and 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Feldman in view Hirota as applied to claims 1 and 32 above and further in view of Parad (U.S. Patent No. 5,369,570).

17. Referring to method claim 4 and system claim 35, Feldman fails to the unique specifier comprises a resource identifier, a type identifier, and a version identifier.

Parad teaches, in an analogous system, a unique specifier comprises a resource identifier, a type identifier, and a version identifier (see lines 40-47 of column 16).

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to modify the system and method of Feldman with the above teachings of Parad. One of ordinary skill in the art would have been motivated to make such modification in order to further distinguish resources from one another.

18. Claims 8-10 and 39-41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Feldman in view of Porter et al. (U.S. Patent No. 6,636,597 hereinafter "Porter").

19. Referring to method claims 8-10 and system claims 39-41, Feldman fails to teach resource management comprises static resource management and dynamic resource management, wherein static management comprises resource allocation and deployment

and wherein dynamic resource management comprises event state correlation.

Porter teaches, in an analogous system, resource management comprises static resource management and dynamic resource management, wherein static management comprises resource allocation and deployment and wherein dynamic resource management comprises event state correlation (see paragraph bridging columns 4 and 5).

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to modify the combination of Feldman and Hirota with the above teachings of Porter. One of ordinary skill in the art would have been motivated to make such modification in order to allow for flexible routing techniques in communication networks as suggested by Porter (see lines 50-57 of column 2).

20. Claims 18 and 49 are rejected under 35 U.S.C. 103(a) as being unpatentable over Feldman in view of Hirota as applied to claims 1 and 32 above and further in view of Freeman et al. (U.S. Patent No. 6,578,198 hereinafter "Freeman").

21. Referring to method claim 18 and system claim 49, the combination of Feldman and Hirota fails to teach the resource retrieval comprises receiving proxies for remote resources.

Freeman teaches, in an analogous system, the resource retrieval comprises receiving proxies for remote resources (see paragraph bridging columns 4 and 5).

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to modify the combination of Feldman and Hirota with the above teachings of Freeman. One of ordinary skill in the art at time of the applicant's invention would have been motivated to make such modification in order to use resources at physically separate locations.

22. Claims 20-22,26,51-53, and 57 are rejected under 35 U.S.C. 103(a) as being unpatentable over Feldman in view Hirota as applied to claims 1 and 32 above and further in view of Skog et al. (U.S. Patent No. 6,385,650 hereinafter referred to as "Skog").

23. Referring to method claims 20-22 and system claims 51-53 Feldman fails to teach the limitations of the resource manager applying a different algorithm to retrieve the resource based on

a type identifier of the requested resource; the resource manager applies one or more strategies based on the resource specifier; and the one or more strategies are based on a hierarchical system.

Skog teaches, in an analogous system and method, the limitations of the resource manager applying a different algorithm to retrieve the resource based on a type identifier of the requested resource (see lines 40-58 of column 3 and lines 12-20 of column 5); the resource manager applies one or more strategies based on the resource specifier (see lines 40-58 of column 3 and lines 12-20 of column 5); and the one or more strategies are based on a hierarchical system (see lines 40-58 of column 3 and lines 12-20 of column 5).

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to modify the system and method of Feldman with the above teachings of Skog. One of ordinary skill in the art would have been motivated to make such modification in order to reduce memory consumption in a system without decreasing performance when the number of managed resources is high or very high as suggested by Skog (see lines 10-26 of column 3).

24. Referring to method claim 26 and system claim 57, Feldman fails to teach the step of enabling resource retrieval further comprises assigning a particular resource access strategy to an entire resource type.

Skog teaches, in an analogous system, the step of enabling resource retrieval further comprises assigning a particular resource access strategy to an entire resource type (see lines 12-20 of column 5).

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to modify the system and method of Feldman with the teachings of Skog. One of ordinary skill in the art would have been motivated to make such modification in order to increase performance even if the number of managed resources is high or very high as suggested by Skog (see lines 10-26 of column 3).

25. Claims 28 and 59 are rejected under 35 U.S.C. 103(a) as being unpatentable over Feldman in view Hirota as applied to claims 1 and 32 above and further in view of Nishina et al. (U.S. Patent No. 5,854,895 hereinafter "Nishina").

26. Referring to method claim 28 and system claim 59, the combination of Feldman and Hirota fails to teach the method and

system further comprising a step of referencing a primary resource specifier from one or more alias resource specifiers so that when resource specifier is modified, one or more resource users which access the resource specifier will retrieve a modified version.

Nishina teaches, in an analogous system, a step of referencing a primary resource specifier from one or more alias resource specifiers so that when resource specifier is modified, one or more resource users which access the resource specifier will retrieve a modified version (see lines 18-37 of column 6).

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to modify the system and method of Feldman with the above teachings of Nishina. One of ordinary skill in the art would have been motivated to make such modification in order to enable a user to always access the most current version of a resource.

27. Claims 29-31 and 60-62 are rejected under 35 U.S.C. 103(a) as being unpatentable over Feldman in view Hirota as applied to claims 1 and 32 above and further in view of Whalen et al. (U.S. Patent No. 6,615,267 hereinafter "Whalen").

28. Referring to method claims 29-31 and system claims 60-62, the combination of Feldman and Hirota fails to teach method and system further comprising a version strategy, wherein the version strategy comprises the step of requesting a resource with a particular version ID to retrieve the particular version or newer version of the resource, and wherein the newer version is upward compatible with one or more previous versions of the resource.

Whalen teaches, in an analogous system, a method further comprising a version strategy, wherein the version strategy comprises the step of requesting a resource with a particular version ID to retrieve the particular version or newer version of the resource, and wherein the newer version is upward compatible with one or more previous versions of the resource (see lines 7-27 of column 4).

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to modify the combination of Feldman and Hirota with the teachings of Whalen. One of ordinary skill in the art would have been motivated to make such modification in order to utilize the most up to date resources are available.

Response to Arguments

29. Applicant's arguments with respect to amended claims 1 and 32 have been considered but are moot in view of the new ground(s) of rejection. As per applicant arguments that:

1) Feldman et al. fails to disclose at least the claim limitations of "storing resource identification information in a centralized repository, wherein resource identification information is associated with the unique specifier (see last paragraph of page 11 of applicant's remarks)."

2) the teachings of Kumar et al. that it is desirable to ensure dependencies related to the resources are satisfied has nothing to do with the missing claim limitations and that a proper motivation to combine is missing (see pages 13 and 14 of applicant's remarks.

30. **As per argument 1**, the Examiner disagrees. Feldman teaches, at lines 41-45, "The system may also have a third memory (centralized repository) for storing at least one unique resource name corresponding to a resource (resource identification information associated with a unique specifier) and an entitlement expression associated with each resource

name." This citation clearly shows Feldman teaches the limitation of, "storing resource identification information in a centralized repository, wherein resource identification information is associated with the unique specifier."

31. **As per argument 2,** the Examiner disagrees. Firstly, it is not clear to the Examiner which claim the applicant is attempting to traverse and is assuming the applicant is arguing the Examiners reliance on Kumar as prior art in general. Kumar teaches, in an analogous method, that deadlocks can be prevented by ensuring resource dependencies are satisfied. This method is applicable to any system or method that allocates resources, including the system and method taught by Feldman and the method and system claimed by the applicant. Secondly, in response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988)and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, Kumar

teaches a method that detects cycles of dependencies to ensure dependencies are satisfied (see paragraph bridging columns 1 and 2). Kumar suggests this is desirable because it prevents deadlock from occurring (see lines 34-55 of column 1). One of ordinary skill in the art at the time of the applicant's invention would have surely recognized that deadlock situations can result in significant downtime and would have been motivated to modify the system of Feldman to ensure deadlock is avoided.

Conclusion

32. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL.** See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated

from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eron J Sorrell whose telephone number is 571 272-4160. The examiner can normally be reached on Monday-Friday 9:00AM - 5:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey A Gaffin can be reached on 571 272-4146. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

EJS
December 16, 2004

JEFFREY GAFFIN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100